



Rule(s) Review Checklist Addendum
(This form must be filled out electronically.)

This form is to be used only if the rule(s) was/were previously reviewed, and has/have not been amended/repealed subsequent to that review.

All responses should be in **bold** format.

Document Reviewed (include title):

WAC 458-19-040 "One hundred six percent levy limit – Newly formed taxing district"

Date last reviewed: **September 1998**

Current Reviewer: **Kim M. Qually**

Date current review completed: **December 24, 2001**

Is this document being reviewed at this time because of a taxpayer or association request?

YES ☐ **NO** ☒

1. Briefly describe the subject matter of the rule(s):

This rule describes the levy limits that are applied to newly formed taxing districts created by means other than by consolidation or annexation.

2. Related statutes, interpretive statements, court decisions, BTA decisions, and WTDs:

YES	NO	
X		Are there any statutory changes subsequent to the previous review of this rule that should be incorporated?
	X	Are there any interpretive statements not identified in the previous review of this rule that should be incorporated?
	X	Are there any interpretive statements that should be repealed because the information is currently included in this or another rule, or the information is incorrect or not needed?
	X	Are there any Board of Tax Appeal (BTA) decisions, court decisions, or Attorney Generals Opinions (AGOs) subsequent to the previous review of this rule that provide information that should be incorporated into this rule?
	X	Are there any administrative decisions (e.g., Appeals Division decisions (WTDs)) subsequent to the previous review of this rule that provide information that should be incorporated into the rule?
	X	Are there any changes to the recommendations in the previous review of this rule with respect to any of the types of documents noted above?



If the answer is “yes” to any of the questions above, identify the pertinent document(s) and provide a brief summary of the information that should be incorporated into the document.

The rule no longer reflects current law. The passage of Referendum 47 (1997) and Initiative 747 (2001) affect the text of the rule. The levy limit is no longer 106%. The rule needs to be updated to reflect the current levy limit of 101% or the rate of inflation, whichever is less.

3. Additional information: Identify any additional issues (other than that noted above or in the previous review) that should be addressed or incorporated into the rule. Note here if you believe the rule can be rewritten and reorganized in a more clear and concise manner. **None**

4. Listing of documents reviewed:

Statute(s) Implemented:

**RCW 84.55.035 “Inapplicability of limitation to newly-formed taxing district created other than by consolidation or annexation;”
Referendum 47; and
Initiative 747.**

Interpretive statements (e.g., ETAs and PTAs): **None**

Court Decisions: **None**

Board of Tax Appeals Decisions (BTAs): **None**

Administrative Decisions (e.g., WTDs): **None**

Attorney General’s Opinions (AGOs): **None**

Other Documents: **None**

5. Review Recommendation:

 X **Amend**

 Repeal (Appropriate when repeal is not conditioned upon another rule-making action.)

 Leave as is (Appropriate even if the recommendation is to incorporate the current information into another rule.)

 Begin the rule-making process for possible revision. (Applies only when the



Department has received a petition to revise a rule.)

Explanation of recommendation: Provide a brief summary of your recommendation, whether the same as or different from the original review of the document(s). If this recommendation differs from that of the previous review, explain the basis for this difference.

If recommending that the rule be amended, be sure to note whether the basis for the recommendation is to:

- Correct inaccurate tax-reporting information now found in the current rule;
- Incorporate legislation;
- Consolidate information now available in other documents; or
- Address issues not otherwise addressed in other documents.

The rule needs to be updated so that it reflects the current law. The levy limit was changed by both Referendum 47 and Initiative 747.

6. Manager action: Date: _____

_____ Reviewed and accepted recommendation

Amendment priority:

- _____ 1
- _____ 2
- _____ 3
- _____ 4